

**IN THE COURT OF APPEALS OF IOWA**

No. 6-266 / 06-0129  
Filed May 10, 2006

**IN THE INTEREST OF Q.S., Minor Child,**

**D.S., Father,**  
Appellant,

**G.S., Mother,**  
Appellant.

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Appeal from the Iowa District Court for Polk County, Joe E. Smith, District Associate Judge.

Parents appeal the juvenile court orders in child in need of assistance proceedings. **AFFIRMED.**

Jesse A. Macro, Des Moines, for appellant father.

Cathleen Siebrecht of Siebrecht & Siebrecht, Des Moines, for appellant mother.

Thomas J. Miller, Attorney General, Bruce Kempkes, Assistant Attorney General, John Sarcone, County Attorney, and Michelle Chenoweth, Assistant County Attorney, for appellee State.

Rachael Seymour, Juvenile Public Defender, Des Moines, guardian ad litem for minor child.

Considered en banc.

**PER CURIAM*****I. Background Facts & Proceedings***

David and Gail are the parents of Quentin, who was born in January 2005. David had one child, Patrick, from an earlier relationship, and Gail had three girls. The parents abused these children by hitting, kicking, spanking, beating with a belt, and verbally abusing them and threatening physical violence. Patrick nearly died from hypothermia in March 2004 after Gail put him in a cold shower as a punishment. The children were thereafter removed from their care.<sup>1</sup> Due to the past history of abuse in the home, Quentin was removed from the parents' care soon after his birth, and placed with a paternal uncle and aunt.

Quentin was adjudicated to be a child in need of assistance (CINA) pursuant to Iowa Code sections 232.2(6)(b) (2005) (parent is imminently likely to physically abuse child), (c)(2) (child is likely to suffer harm due to parent's failure to supervise), and (n) (parent's mental condition results in child not receiving adequate care). The parents were required to participate in parenting-skill sessions and address their mental health problems.

A dispositional order was filed on January 13, 2006. The juvenile court noted "the parents have made very limited progress. Indeed, it seems, in some areas, the parents have regressed." The court found the parents had quit individual therapy, they were denying or minimizing the past abuse, and their financial situation was unstable. The court concluded Quentin could not be returned to the parents' care. David and Gail each appeal the CINA orders.

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<sup>1</sup> David and Gail's parental rights to these children were subsequently terminated.

## **II. Standard of Review**

Our scope of review in juvenile court proceedings is de novo. *In re K.N.*, 625 N.W.2d 731, 733 (Iowa 2001). Although we give weight to the juvenile court's factual findings, we are not bound by them. *Id.* Our primary concern is the best interests of the child. *In re E.H.*, 578 N.W.2d 243, 248 (Iowa 1998).

## **III. Merits**

David and Gail contend Quentin should be returned to their care. They believe the juvenile court unduly focused on their past conduct. They assert that they have made progress in improving their parenting skills. David and Gail state that they have the financial resources to care for Quentin.

We look at a parent's past performance because it may indicate the quality of care the parent is capable of providing in the future. *In re C.K.*, 558 N.W.2d 170, 172 (Iowa 1997). Here, the parents imposed terrible physical and verbal abuse on their other children, to the point where one of the children almost died. Because the parents are denying or minimizing this abuse, they have not addressed the conditions which led to the abuse. Also, they have not adequately addressed their mental health concerns. We conclude Quentin cannot be returned to their care.

We affirm the decision of the juvenile court.

**AFFIRMED.**

Sackett, C.J., concurs specially without opinion.